



DEPARTMENT OF HEALTH & HUMAN SERVICES

EB 11/22/99 m3204r

Certified/Return Receipt Requested

Food and Drug Administration
Kansas City District Office
11630 West 80th Street
P.O. Box 15905
Lenexa, Kansas 66285-5905

November 22, 1999

Telephone: (913) 752-2100

WARNING LETTER

Mr. Ronnie Marshall, President and CEO
Nash Finch Company
7600 France Avenue South
Minneapolis, MN 55435

Ref: KAN #2000-004

Dear Mr. Marshall:

An inspection of your warehouse facility located at 4228 South 72nd Street, Omaha, Nebraska on September 15-29, 1999, conducted by Investigators of the Federal Food and Drug Administration (FDA) revealed significant insanitary conditions which may cause your products to be adulterated within the meaning of Section 402(a)(4) of the Food, Drug and Cosmetic Act (the Act). At the conclusion of the inspection a form FDA483, Notice of Inspectional Observations, describing some but not all of the insanitary conditions was issued to and discussed with Kevin D. Iliff/Distribution Director at the Omaha facility. A copy of the FDA483 is enclosed for your information. Some of the conditions noted are:

- An estimated 10-15 live mice sighted in the food reclaim/salvage area
- No routine checks of incoming product in the reclaim area to assure the absence of vermin infestation.
- Evidence of rodent defiled product in the reclaim area.
- A decomposed rodent carcass in the reclaim area near several pallets of food.
- The physical plant has a variety of areas that may provide harborage for pest infestation including slated plywood walls, cracks in wall/floor junctures and overhead doors not tight-fitting.

The listed conditions are just selected examples of rodent infestation within your warehouse facility. These and the other conditions noted by our Investigators may cause the food products held within your facility to be adulterated as discussed earlier. Adulterated foodstuffs can cause the FDA to take actions including seizure, injunction and prosecution.

We are strongly concerned about the apparent lack of attention your firm focused on this problem even after notice of the insanitary conditions in the facility was given to your representatives in Omaha. In addition the shipment of adulterated food product appears to have contributed to insanitary conditions in your Sioux Falls, South Dakota facility.

The Douglas County Nebraska Health Department, in June, 1999 issued notice to your firm concerning rodent infestation in the plant. Also your pest control company presented your warehouse management with reports of widespread rodent activity in your warehouse. The shipment of contaminated food from the Omaha warehouse to your facility in Sioux Falls displays what may at best be a negligent attitude regarding the insanitary conditions.

Section 301 of the Act (Section 331 of the United States Code) discusses the prohibited acts the agency enforces. Section 301(a) states "The introduction or delivery for introduction into interstate commerce of any food...that is adulterated" is prohibited. When your firm shipped product from the Omaha warehouse to Sioux Falls adulterated food was introduced into interstate commerce.

Section 301(c) states "The receipt in interstate commerce of any food...that is adulterated..." is prohibited. The Omaha warehouse activities show a lack of attention to the receipt of product that may have been adulterated and contributed to the rodent infestation in the facility.

Section 301(k) states "The...doing of any...act with respect to, a food...if such act is done while such article is held for sale after shipment in interstate commerce and results in such article being adulterated..." is prohibited. The food in your warehouse, after shipment in interstate commerce, was adulterated because of the rodent infestation.

We acknowledge the receipt of your firm's FDA483 response dated October 29, 1999. The success of your plan to control your infestation problem will be evaluated during future inspections of this and other Nash-Finch facilities.

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Nash Finch Company

We request a meeting to discuss our findings including the documented continued shipments of adulterated, contaminated foods to the Sioux Falls facility after notification of the rodent problem caused by these shipments. Please respond within fifteen (15) working days regarding a meeting and your response to this letter. Please direct your response to Ralph J. Gray, Compliance Officer, (913) 752-2105.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Michael Rogers", written over the printed name.

W. Michael Rogers
District Director
Kansas City District

Enclosure

Cc: Mary C. Suntken, Compliance Officer
Des Moines District Office, USDA
11338 Aurora Avenue
Des Moines, IA 50322

Kevin Iliff, Distribution Director
Nash-Finch Company
P.O. Box 344
Omaha, NE 68127